

(3)

Chaitanya

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

WRIT PETITION No. 2759 2002

PETITIONER

: Smt. Leela bai Kothari,
aged about 26 years, w/o Rajnandlal
Sarpanch,

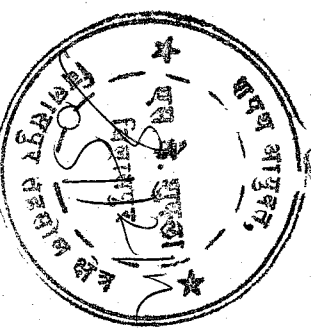
Gram Panchayat Ghortalab,
Janpad Panchayat Chhuriya,
Distt. Rajnandgaon (C.G.)

P. R. No. 2759
Presented by Shri. Rajnandlal Kothari
dated 03.12.02

VERSUS

RESPONDENTS

1. State of Chhattisgarh
Through : Secretary
Dept. of Panchayat,
Mantralay, Raipur (C.G.).
2. The Collector
Competent Authority,
Rajnandgaon,
Distt. Rajnandgaon (C.G.)



WRIT PETITION UNDER ARTICLE 226/227 OF
THE CONSTITUTION OF INDIA

(28)

आदेश पत्रक

W.P.No. 2753/02

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	DB: Hon'ble Justice K. H. N. Kuranga, C.J. & Hon'ble Justice L. C. Bhadoo, J. 15/10/2003 None for the petitioner, Respondents No. 1 and 2 by Shri Sunil Sinha, Additional Advocate General. By this writ petition under Articles 226/227 of the Constitution of India the petitioner has challenged the constitutional validity and the vires of Section 36 (1)(m) of the Chhattisgarh Panchayat Raj Avam Gram Swaraj Adhiniyam, 1993 (for short 'the Adhiniyam) which lays down that no person shall be eligible to be an office-bearer of the Panchayat who has more than two living children one of whom is born on or after 26th day of January, 2001. The challenge to the above clause does not survive in view of the law laid down by the Hon'ble Apex Court in the case of Javed and others Vs. State of Haryana and others reported in 2003 AIR SCW 3892 and also in view of the order passed by this Court in the case of Yashwant Kumar Sahu Vs. State of Chhattisgarh and another passed in Writ Petition No. 463 of 2002. 01/12.09.03	

[पीछे देखिये]

28

आदेश पत्रक

W.P. No. 2759/02

मामला क्रमांक

सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	The petitioner has also challenged the show cause notice dt. 24.4.2002 issued by the Collector, Rajnandgaon, Annexure P/2 and the order dt. 23.11.2002 Annexure P/5. In view of the above there is no force in the petition of the petitioner, the same is liable to be dismissed and it is dismissed. However the petitioner shall be at liberty to file appeal before the Director of Panchayat on the factual aspects. The petitioner will be entitled to the benefit of the limitation for the time spent by him in litigating before this Court in this writ proceeding. The parties are entitled for certified copy of this order. Sd/- Chief Justice	Sd/- L.C. Bhadoo Judge

[पीछे देखिये]